



06-15-04

2877

JLW

AMENDMENT/RESPONSE TRANSMITTAL LETTER

Attorney Docket No.: D/A1131
XERZ 2 00441

Ser. No.: 10/016,427	Filed: December 10, 2001	Examiner: Layla G. Lauchman
Art Unit: 2877	Title: SIX DEGREE OF FREEDOM POSITION RANGING	

To the Commissioner for Patents:

Transmitted herewith is an Amendment in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	Claims remaining after amendment		Highest Number Previously Paid For	No. of Extra Claims Present	Rate	Additional Rate
Total Claims	20	Minus	20	0	X 18	\$0.00
Indep. Claims	3	Minus	3	0	X 86	\$0.00
TOTAL					=	\$0.00

- ☒ No additional fee is required.
- ☐ A check in the amount of \$_____ is attached.
- ☐ Charge \$_____ to Deposit Account No. 24-0037.
- ☒ Applicants hereby petition the Commissioner under 37 C.F.R. § 1.136(a) and request a **three-month extension of time** to respond to the outstanding Office Action. Enclosed is a check in the amount of \$950.00 to cover the applicable extension of time fees.
- ☒ Applicants request any additional extensions of time that may be necessary and authorize the required fees be charged to Deposit Account No. 24-0037.
- ☒ Please charge any additional fees or credit overpayment to Deposit Account No. 24-0037.

Respectfully submitted,
FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP

Date: June 11, 2004

06/17/2004 HALI11 00000072 10016427

01 FC:1253

950.00 DP

Mark S. Svat, Reg. No. 34,261
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

CERTIFICATE OF MAILING

- Under 37 C.F.R. § 1.8, I certify that this Amendment Transmittal Letter and accompanying document(s) are being
- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 223131450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT FEE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No. EL964455211 US	Signature
Date June 14, 2004	Printed Name Karen M. Forsyth

N:\XERZ\200441\KMF0004349V001.doc

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service as First Class Mail service on June 11, 2004 and is addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Karen M. Forsyth
Karen M. Forsyth

"Express Mail" Mailing Label Number EL 964455211 US

Date of Deposit 6-14-04

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the

Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

KAREN FORSYTH

(TYPED OR PRINTED NAME OF SENDER)

(SIGNATURE)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Kimon D. Roufas, et al.
TITLE : SIX DEGREE OF FREEDOM
POSITION RANGING
APPLICATION NO. : 10/016,427
FILED : December 10, 2001
CONFIRMATION NO. : 9522
EXAMINER : Layla G. Lauchman
ART UNIT : 2877
LAST OFFICE ACTION : December 16, 2003
ATTORNEY DOCKET NO. : D/A1131
XERZ 2 00441

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

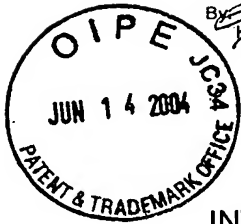
RESPONSE

Dear Sir:

Responsive to the Office Action mailed December 16, 2003, Applicants respond as follows:

Claims 1-20 were Presented for Examination

All claims stand rejected as being anticipated by the reference entitled "Six Degree of Freedom Sensing for Docking Using IR LED Emitters and Receivers." During a telephone conversation with the Examiner on Friday, the 30th of April, Applicants explained that the authors of the paper are the same as the listed inventors, and, therefore, the cited reference was not an appropriate reference in this matter. Particularly, the rejection under 35 U.S.C. § 102(a) is not appropriate as the invention was not known or used by others in this country or patented or



described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

To support this position, applicants submit herewith the Declaration Under 37 C.F.R. 1.132, wherein each of the inventors acknowledge that all of the applicants are also the authors of the cited article. Particularly, it is noted Mr. Craig Eldershaw was not listed as an author of the cited paper.

The Declaration explains that Mr. Eldershaw did in fact participate in generation of the subject matter of the article in question, but through inadvertent oversight did not have his name included as a co-author.

It is noted that each of the inventors, including an inventor no longer with the subject company, have executed this Declaration.

For the foregoing reason, it is believed the attached Declaration provides facts which show the intent of Mr. Eldershaw as an author.

For the foregoing reasons, it is submitted the cited article is an improper reference.

As no other art has been cited to reject the present claims, it is respectfully submitted all claims (1-20) are in condition for allowance. An early notice to that effect is therefore earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

June 11, 2004
Date

Mark S. Svat
Mark S. Svat
Reg. No. 34,261
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

Attachment: Declaration Under 37 C.F.R. 1.132

N:\XERZ\200441\KMF0004309V001.DOC